

Introduced by Senator Blakeslee

February 23, 2012

An act to amend Section 5514 of, and to add Section 5506.15 to, the Public Resources Code, relating to parks and recreation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1305, as introduced, Blakeslee. Regional open-space district: County of San Luis Obispo.

Existing law permits proceedings for the formation of a regional park and open-space district in specified counties of the state to be initiated by resolution of the county board of supervisors adopted after a noticed hearing, and specifies the contents of the resolution.

This bill, in addition, would permit the formation of a regional open-space district in the County of San Luis Obispo to be initiated by resolution of the county board of supervisors after a noticed hearing, if the boundaries of a proposed district are coterminous with the exterior boundaries of the County of San Luis Obispo. The bill would specify the contents of the resolution, including a requirement to call an election, as prescribed.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5506.15 is added to the Public Resources
- 2 Code, to read:
- 3 5506.15. (a) A proceeding for the formation of a regional
- 4 district in San Luis Obispo County may be initiated by resolution
- 5 of the Board of Supervisors of the County of San Luis Obispo,

1 adopted after a hearing noticed in accordance with Section 6604
2 of the Government Code, in lieu of the petition and related
3 proceedings specified in this article, if the boundaries of a proposed
4 district are coterminous with the exterior boundary of the County
5 of San Luis Obispo.

6 (b) The resolution shall do all of the following:

7 (1) Name the proposed district and state the reasons forming it.

8 (2) Describe the methods by which the district will be financed.

9 (3) Specify that the proposed district shall be governed by a
10 board of five directors who shall be elected in accordance with
11 this article and, notwithstanding Section 5515, specify that the
12 boundaries of the five wards or subdistricts shall be drawn
13 according to the boundaries of the supervisorial districts.

14 (4) Specify that the proposed district shall not have, and may
15 not exercise, the following:

16 (A) The power of eminent domain pursuant to Section 5542, or
17 any other law, unless requested by the owner of the land, nor shall
18 funds raised or controlled by the proposed district be used to
19 acquire any interest in land that has been or is proposed to be
20 acquired through the exercise of eminent domain by another entity.

21 (B) Hold or fund the acquisition of land in fee pursuant to
22 Section 5540, or any other law, except under both of the following
23 circumstances:

24 (i) If that land shall be resold with an agricultural conservation
25 easement as defined by Section 815 of the Civil Code to a private
26 party within seven years following that acquisition.

27 (ii) If the district's principal place of business is located on the
28 land and the land does not exceed one acre.

29 (C) Apply more than 15 percent of all funds received annually,
30 averaged over the previous five years, for administrative purposes,
31 except in the first five years following its formation.

32 (D) Impose or receive revenues from a tax based on assessed
33 parcels.

34 (5) Call and give notice of an election to be held in the proposed
35 district pursuant to subdivision (b) of Section 5514. Formation of
36 the district is not subject to the Corteses-Knox-Hertzberg Local
37 Government Code Reorganization Act of 2000 (Division 3
38 (commencing with Section 5600) of Title 5 of the Government
39 Code).

1 (6) Include any other matters necessary to the information of
2 the district.

3 (c) Notwithstanding Section 5518, the county counsel of the
4 County of San Luis Obispo may prepare language in the ballot
5 label for the election to be held pursuant to paragraph (5) of
6 subdivision (b).

7 SEC. 2. Section 5514 of the Public Resources Code is amended
8 to read:

9 5514. (a) The board of supervisors of the county having the
10 largest area within the proposed district shall, if the petition, after
11 the hearing, has been approved, in whole or in part, have
12 jurisdiction to proceed further with the calling of an election within
13 the boundaries of the proposed district as described in the resolution
14 passed at the conclusion of the hearing, and shall, either as a part
15 of the same resolution or by a later resolution, call an election
16 within the proposed district for the purpose of determining whether
17 the district shall be created and established and, if necessary, for
18 the purpose of electing the first board of directors therefor in case
19 the district is created.

20 (b) In a district proposed to be formed pursuant to Section
21 5506.5, 5506.11, ~~or~~ 5506.12, *or* 5506.15, the resolution calling
22 the election may provide for a single ballot measure or separate
23 ballot measures on the question of formation, establishment of an
24 appropriations limit authorized by Section 4 of Article XIII B of
25 the California Constitution, the authority to tax pursuant to Section
26 5566, and the authority to sell bonds pursuant to Section 5568, or
27 any combination of those questions.